

Introduced by Senator Florez

January 17, 2007

An act to add Article 5 (commencing with Section 39870) to Chapter 1 of Part 23.5 of Division 3 of Title 2 of the Education Code, relating to schoolbuses.

LEGISLATIVE COUNSEL'S DIGEST

SB 72, as introduced, Florez. Schoolbuses: fuel.

Existing law establishes the State Air Resources Board and designates it as the air pollution control agency, among other specified responsibilities. Existing law permits the governing board of any school district to provide for the transportation of pupils to and from school whenever in the judgment of the board the transportation is advisable and good reasons exist for it. Existing law permits the governing board to purchase or rent and provide for the upkeep, care, and operation of vehicles; to contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system; or to contract with and pay responsible private parties for the transportation.

This bill would require a school district to use a biodiesel fuel blend of B20 or higher to operate all of the diesel-powered schoolbuses under its control. The bill would require a school district that contracts with another government entity or private entity to provide transportation services for any of its pupils to include the biodiesel blend fuel requirement as part of that contract. The bill would limit the contract requirement to contracts entered into on or after January 1, 2008. The bill would require the State Air Resources Board to implement and administer this section.

By requiring a school district to use or contract to use a biodiesel fuel blend of B20 or higher in all of the diesel-powered schoolbuses under

its control or used to transport its pupils, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 39870) is
2 added to Chapter 1 of Part 23.5 of Division 3 of Title 2 of the
3 Education Code, to read:

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5 Article 5. Schoolbus Fuel

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7 39870. (a) (1) A school district shall use a biodiesel fuel blend
8 of B20 or higher to operate all of the diesel-powered schoolbuses
9 under its control.

10 (2) If a school district contracts with another government entity
11 or private entity to provide transportation services for any of its
12 pupils, the biodiesel blend fuel requirement established pursuant
13 to paragraph (1) shall be part of that contract. However, this
14 requirement shall apply only to contracts entered into on or after
15 January 1, 2008.

16 (b) The State Air Resources Board authorized pursuant to
17 Section 39510 of the Health and Safety Code shall implement and
18 administer this section.

19 SEC. 2. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.

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